

**DEPARTMENT OF EDUCATION  
SPECIAL EDUCATION PROGRAMS  
Eagle Butte 20-1 School District  
Accountability Review - Monitoring Report 2011-2012**

**Team Members:** Chris Sargent, Team Leader; Rita Pettigrew, Joan Ray, Mary Borgman, Brenda Boyd, Melissa Flor and Dave Halverson; Team Members

**Dates of On Site Visit:** November 2<sup>nd</sup> and 3<sup>rd</sup>, 2011

**Date of Report:** November 21, 2011

**All non-compliance must be corrected within 1 year of this report date. Date Closed:**

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**Program monitoring and evaluation.**

In conjunction with its general supervisory responsibility under the Individuals with Disabilities Education Act, Part B, Special Education Programs (SEP) of the Office of Educational Services and Support shall monitor agencies, institutions, and organizations responsible for carrying out special education programs in the state, including any obligations imposed on those agencies, institutions, and organizations. The department shall ensure:

- (1) That the requirements of this article are carried out;
- (2) That each educational program for children with disabilities administered within the state, including each program administered by any other state or local agency, but not including elementary schools and secondary schools for Native American children operated or funded by the Secretary of the Interior:
  - (a) Is under the general supervision of the persons responsible for educational programs for children with disabilities in the department; and
  - (b) Meets the educational standards of the state education agency, including the requirements of this article; and
- (3) In carrying out this article with respect to homeless children, the requirements of the McKinney-Vento Homeless Assistance Act, as amended to January 1, 2007, are met. (Reference- ARSD 24:05:20:18.)

**State monitoring--Quantifiable indicators and priority areas.**

The department shall monitor school districts using quantifiable indicators in each of the following priority areas, and using such qualitative indicators as are needed to adequately measure performance in those areas:

- (1) Provision of Free Appropriate Public Education (FAPE) in the least restrictive environment;
  - (2) Department exercise of general supervision, including child find, effective monitoring, the use of resolution meetings, mediation, and a system of transition services as defined in this article and article 24:14; and
  - (3) Disproportionate representation of racial and ethnic groups in special education and related services, to the extent the representation is the result of inappropriate identification. (Reference-ARSD 24:05:20:18:02.)
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**State enforcement -- Determinations.**

On an annual basis, based on local district performance data, information obtained through monitoring visits, and other information available, the department shall determine whether each school district meets the requirements and purposes of Part B of the IDEA...

Based upon the information obtained through monitoring visits, and any other public information made available, Special Education Programs of the Office of Educational Services and Support determines if the agency, institution, or organization responsible for carrying out special education programs in the state:

- Meets the requirements and purposes of Part B of the Act;

- Needs assistance in implementing the requirements of Part B of the Act'
- Needs intervention in implementing the requirements of Part B of the Act; or
- Needs substantial intervention in implementing the requirements of Part B of the Act. (Reference-ARSD 24:05:20:23.04.)

#### **Deficiency correction procedures.**

The department shall require local education agencies to correct deficiencies in program operations that are identified through monitoring as soon as possible, but not later than one year from written identification of the deficiency. The department shall order agencies to take corrective actions and to submit a plan for achieving and documenting full compliance. (Reference-ARSD 24:05:20:20.)

#### **1. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:25:01. Evaluation, consent, eligibility, and placement procedures required.** Each school district shall establish and implement procedures which meet the requirements of this chapter, including nondiscriminatory practices, parental consent, initial evaluation, evaluation procedures, eligibility procedures, placement procedures, and reevaluation.

**ARSD 24:05:22:03. Certified child.** A certified child is a child in need of special education or special education and related services who has received a multidisciplinary evaluation and has an individual education program formulated and approved by a local placement committee. Documentation supporting a child's disabling condition as defined by Part B of the Individuals with Disabilities Education Act must be maintained by the school district for verification of its annual federal child count. This definition applies to all eligible children ages 3 to 21, inclusive, and to only those children under the age of 3 who are in need of prolonged assistance.

#### **Corrective Action:**

##### **Prong 1: Correct each individual case of noncompliance**

The Cheyenne Eagle Buttes school systems procedures for conducting an informal review and the review of existing data did not consistently address all areas of suspected disability resulting in a comprehensive evaluation.

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student #1: This student was reported on child count under the category of Speech/Language impairment (550). During a reevaluation prior to turning age 9, the team considered the disability categories of Speech/Language (550) and Specific Learning Disability (525). The oral expression sub-test of the achievement test (WIAT) was not administered to address the possibility of specific learning disability.	Student #1: The evaluation planning team needs to reconsider the need for administering additional portions of the achievement evaluation that was not considered to determine if this student meets eligibility criteria under the 525 category. Prior notice consent must be initiated to administer additional evaluation to include skill based assessment. Evaluation reports need to be developed and the IEP team must meet to review the evaluation data, amend the eligibility document and IEP if appropriate.	Student #1: Submit the following documentation: <ul style="list-style-type: none"> <li>• Prior notice consent for evaluation</li> <li>• Copies of all evaluation report</li> <li>• Prior notice for meeting</li> <li>• Amended eligibility/MDT document if applicable</li> <li>• Amended IEP if applicable</li> </ul>
Student # 7: This student was reported on child count under	Student # 7: The evaluation planning team needs to review and	Student # 7: Submit the following documentation:

the category of Other Health Impaired (555). There was not an ADHD diagnosis available in the file. The psychological report stated “a close match”... The behavior evaluations did not report any clinically significant scores to support this category of disability.	determine what category(s) of disability this student may be eligible. Initiate evaluation procedures, report evaluation results, meet to determine eligibility, document eligibility or lack of eligibility, amend IEP if appropriate.	<ul style="list-style-type: none"> <li>• Prior notice consent for evaluation</li> <li>• Copies of all evaluation report</li> <li>• Prior notice for meeting</li> <li>• Amended eligibility/MDT document</li> <li>• Amended IEP if applicable</li> </ul>
Student #10: This student was reported on child count under the category of Deafness (545). The eligibility document and evaluation reports support the category of Hearing Impaired. The IEP states the category as Hearing Impairments/Deafness.	Student #10: The student information management system for this student needs to be corrected to report this student under the 515 category rather than the 545 category prior to the December 1, reporting date.	Student #10: Submit data to support the correction has been made.
Student #15: This student was reported on child count under the category of Emotional Disturbance (505). There was no evidence of a medical/psychological diagnosis for the 505 category. The behavior evaluations did not report clinically significant scores to support this category of disability.	Student #15: The evaluation planning team needs to review and determine what category(s) of disability this student may be eligible. Initiate evaluation procedures, report evaluation results, meet to determine eligibility, document eligibility or lack of eligibility, amend IEP if appropriate.	Student # 15: Submit the following documentation: <ul style="list-style-type: none"> <li>• Prior notice consent for evaluation</li> <li>• Copies of all evaluation report</li> <li>• Prior notice for meeting</li> <li>• Amended eligibility/MDT document</li> <li>• Amended IEP if applicable</li> </ul>
<b>Timeline for Completion: 45 days from report date.</b>		

## **2. GENERAL SUPERVISION / STATE PERFORMANCE PLAN COMPLIANCE INDICATOR**

**ARSD 24:05:30:05. Content of notice.** The notice must include the following:

- (1) A description of the action proposed or refused by the district, an explanation of why the district proposes or refuses to take the action, and a description of any other options the IEP team considered and the reasons why those options were rejected;
- (2) A description of each evaluation procedure, assessment, record, or report that the district uses as a basis for the proposal or refusal;
- (3) A description of any other factors which are relevant to the district's proposal or refusal;
- (4) A statement that the parents of a child with a disability have protection under the procedural safeguards of this article and, if this notice is not an initial referral for evaluation, the means by which a copy of a description of the procedural safeguards can be obtained; and
- (5) Sources for parents to contact to obtain assistance in understanding the provisions of this article.

### **Corrective Action:**

#### **Prong 1: Correct each individual case of noncompliance**

The Cheyenne Eagle Butte school systems prior notice consent procedures did not consistently inform parent of the evaluations to be administered or the use of previous evaluations that would be used for determining eligibility resulting in a lack of informed parent consent. Parent input into the evaluation was not

consistently documented. In some cases evaluations were administered without parent consent and in other cases evaluation listed on the prior notice consent were not administered. The prior notice consent for evaluation document did not contain the required content.

**Note: The Cheyenne Eagle Butte School System is mandated by the Bureau of Indian Education (BIE) to use specific forms to meet IDEA requirements. South Dakota Special Education Programs does not mandate forms and defers content requirements to BIE with the exception of prior notice consent for evaluation. ARSD 24:05:30:05. Content of notice must be included in the notice when acquiring parent consent.**

<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Student #4: Prior notice consent was not present in the student record for the evaluation conducted in December of 2010 through the Developmental Clinic.	Student #4: Individual correction of non-compliance cannot be corrected. The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to informal review and review of existing data prior to a reevaluation to ensure the prior notice consent provides informed parent consent.	Student #4: Refer to Prong #2.
Student #5: The prior notice consent included gross and fine motor evaluations. There was no indication if evaluations were to be administered or if previous evaluation data would be used. Current evaluations were not administered. It also stated the need for "current medical data". Current medical data was not available in the file.	Student #5: Individual correction of non-compliance cannot be corrected. The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to informal review and review of existing data prior to a reevaluation to ensure the prior notice consent provides informed parent consent.	Student #5: Refer to Prong #2
Student #8: This student was reported on child count under the category of Specific Learning Disability (525). The prior notice for the current reevaluation states only "functional assessment". There is no indication what will be used for determining continued eligibility or parent input into this process.	Student #8: Individual correction of non-compliance cannot be corrected. The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to informal review and review of existing data prior to a reevaluation to ensure the prior notice consent provides informed parent consent.	Student #8: Refer to Prong #2
Student #9: This student was reported on child count under the category of Specific Learning Disability (525). The prior notice consent for the current reevaluation does not indicate what evaluations will be used to determine continued eligibility.	Student #9: Individual correction of non-compliance cannot be corrected. The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to informal review and review of existing data prior to a reevaluation to ensure the prior notice consent provides	Student #9: Refer to Prong #2

	informed parent consent.	
<p>Student #11:</p> <p>This student was reported on child count under the category of Specific Learning Disability (525). The prior notice consent indicated gross motor hearing and vision evaluations were to be conducted. There was no evidence these areas were assessed or that previous information was to be used for determining continued eligibility.</p>	<p>Student #11:</p> <p>Individual correction of non-compliance cannot be corrected.</p> <p>The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to informal review and review of existing data prior to a reevaluation to ensure the prior notice consent provides informed parent consent.</p>	<p>Student #11:</p> <p>Refer to Prong #2</p>
<p>Student #16:</p> <p>This student was reported on child count under the category of Hearing Impaired (515). Voice, fluency and articulation were assessed and not noted on the prior notice consent. Previous hearing assessment was used for determining eligibility but not noted on the prior notice consent. Parent input into the evaluation was not evident.</p>	<p>Student #16:</p> <p>Individual correction of non-compliance cannot be corrected.</p> <p>The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to information review and review of existing data prior to a reevaluation to ensure the prior notice consent provides informed parent consent.</p>	<p>Student #16:</p> <p>Refer to Prong #2</p>
<p><b>Timeline for Completion: 45 days from report date.</b></p>		

### Corrective Action:

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

Required Action:	Data To Be Submitted:	Target Date for Completion:
<p>The district must review and update its policy, procedure and practice regarding the following:</p> <ul style="list-style-type: none"> <li>• Employment of certified staff regarding the provision of special education and related services.</li> <li>• District procedure for referral, informal review, initial evaluation or review of existing data and reevaluation.</li> <li>• Defining the team who will determine if evaluation is necessary and determination of suspected category(s) of disability.</li> <li>• Individuals responsible for the completion</li> </ul>	<p>In the event a student is referred for evaluation, requires a reevaluation or transfers into the district from an in-state or out of state the district will submit the following documentation to support the required action if applicable:</p> <ol style="list-style-type: none"> <li>1. Referral document</li> <li>2. The prior notice/consent for evaluation</li> <li>3. Copies of <b><u>all</u></b> the evaluation reports including skill based assessment and transition</li> <li>4. Copy of the prior notice for the eligibility/IEP meeting/transfer</li> </ol>	<p><b>May 15, 2012</b></p>

<p>of prior notice/consent and evaluations needed for the purpose of determining eligibility.</p> <ul style="list-style-type: none"> <li>• Development of evaluation reports that must be provided to parents including administering and reporting skill based assessment.</li> <li>• Determining eligibility and completing the eligibility documents.</li> <li>• Developing an IEP that provides educational benefit.</li> </ul> <p>The district will receive technical assistance regarding these issues. The training date, provider and participants will be documented and submitted to the team leader in support of verifying correction through updated data.</p>	<p>5. Copy of the MDT/eligibility document and; 6. Copy of the IEP</p> <p>The district will submit a copy of the updated policy, procedure and practice that addresses correction to the General Supervision # 1, 2 and 3 is to be submitted to verify correction through updated data.</p>	
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**3. GENERAL SUPERVISION: State Performance Plan - Indicator 3:** Participation and performance of children with disabilities on statewide assessments.

1. Percent of districts meeting State's AYP objectives for progress for disability subgroup.
2. Participation rate for children with IEPs in a regular assessment with not accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.
3. Proficiency rate for children with IEPs against grade level standards and alternate achievement standards.

**Corrective Action:**

<p><b>Prong 1: Correct each individual case of noncompliance</b></p> <p>Accommodations/modifications for statewide assessment did not consistently support the student's needs and goals and/or accommodations identified for statewide assessment were not used during the assessment administration.</p>		
<b>Student:</b>	<b>Required Action:</b>	<b>Data To Be Submitted:</b>
Accommodation File list 1-10.	Individual correction of non-compliance cannot be corrected.	The Cheyenne Eagle Butte school system needs to review policy, procedure and practice as it relates to documenting and providing accommodations for statewide assessment. Refer to Prong #2.

**Corrective Action:**

**Prong 2: Correctly implement the specific regulatory requirements (i.e. achieved 100% compliance), based on the SEA's review of updated data.**

<b>Required Action:</b>	<b>Data To Be Submitted:</b>	<b>Target Date for Completion:</b>
1. The district will review current policy/procedure to determine why discrepancies are occurring. 2. Develop a process that will allow for the appropriate documentation and provision of accommodations for state/district assessments. 3. Train IEP staff and testing coordinator in the procedures/process. 4. Implement procedures and collect data to verify accommodation are appropriately documented and provided during state/district assessments.	1. Written description of the districts review process to identify why the discrepancies are occurring. 2. Written description of the process the district will implement to correct the discrepancies. 3. Training documentation to include the date staff training occurred, name of individual who provided the training and sign-in sheet with the names of all participants/position titles, who attended the training.	<b>May 15, 2012</b>

**State Performance Plan – Performance Indicators**

**Indicator 3 – Participation/Performance on Assessment**

A-Percent of districts meeting the State's AYP objectives for progress for disability subgroup

B -Participation rate for children with IEP's in a regular assessment with no accommodations; regular assessment with accommodations; alternate assessment against grade level standards; alternate assessment against alternate achievement standards.

C-Proficiency rate for children with IEP's against grade level standards and alternate achievement standards.

**Math:**

**B)** Did the district meet the participation target for the subgroup students with disabilities in the statewide assessment?

**State Target: 99.2% or higher**

District Policy, Procedure and Practice:

**District Rate: \_\_\_\_100%\_\_\_\_**

District Response:

The Cheyenne-Eagle Butte School district met the state target for participation in the statewide assessment in the area of math in grades K – 8 and 9 – 12. The district uses a variety of procedures and practices to emphasize the importance of the assessment process for all students. Strategies that support and encourage participation of students in the statewide assessment include:

- All staff (general and special educators) explain the rationale and benefit of the assessment process through structured classroom discussions.
- Administration and staff meet with families through formal and informal contacts to reinforce the rationale and benefit of their child's participation in the assessment process.
- Information regarding the assessment process is placed in the school newsletter.
- The importance of the assessment process is reinforced at IEP meetings, teacher conferences, scheduled open houses, school board meetings, etc.

Staff realizes the value of data obtained through the assessment process as useful in guiding the instructional process.

**C)** Did the district meet the proficiency target for the subgroup of students with disabilities in the statewide assessment?

**Grades K –8**

**State Target 72% or higher**

**District Rate: 2.05%**

District Response:

The Cheyenne-Eagle Butte School District did not meet the state target for proficiency in math for students for disabilities grades K –8 or 9 – 12.

The district has acknowledged this need at all of its levels – primary, upper elementary, middle school, and high school. Each school’s improvement plan has identified a variety of curriculum-based, teacher-based and school-wide procedures and interventions aimed at increasing the proficiency rate of students with disabilities in math.

The strategies and interventions who struggle with math include:

- Curriculum mapping and articulation (K – 12) of all of the math standards and benchmarks
- Implementation of a multi-tiered RTI model in the area of mathematics.
- On going training and coaching of general education and special education staff as appropriate.
- Targeted small group and individual instruction in math
- Emphasis on math vocabulary development
- After-school tutoring
- Math journals
- Math games
- Math programs and curriculum:
- Collaborative planning by general and special education staff involved in math instruction per building
- Analysis and discussion by appropriate staff and administration of math testing data.
- Linking and coordinating the IEP process (goals, services and supports) for students with disabilities who are at risk and/or failing in the area of math